

MINUTES OF THE CITY COUNCIL OF LAUREL

April 18, 2006

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Ken Olson at 6:30 p.m. on April 18, 2006.

COUNCIL MEMBERS PRESENT: Dick Fritzler
 Kate Hart Mark Mace
 Gay Easton Chuck Dickerson
 Jennifer Johnson Norm Stamper

COUNCIL MEMBERS ABSENT: Doug Poehls

OTHER STAFF PRESENT: Mary Embleton Sam Painter
 Perry Asher

Mayor Olson led the Pledge of Allegiance to the American flag.

Mayor Olson asked the council to observe a moment of silence.

MINUTES:

Motion by Alderwoman Hart to approve the minutes of the regular meeting of April 4, 2006, as presented, seconded by Alderman Fritzler. There was no public comment or council discussion. A vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

CORRESPONDENCE:

The Governor's Office of Economic Development: Information regarding a Special Workshop on Tax Increment Financing on Thursday, May 25, 2006.

Montana Department of Commerce: Letter of April 1, 2006 regarding a community meeting to discuss the development of Montana's Consolidated Plan (CP).

Montana Department of Commerce: Memo of March 31, 2006 regarding Montana Board of Housing meeting in Hardin on April 10, 2006.

Cable Montana: Service Reports for February 2006.

Laurel Chamber of Commerce: Board Meeting Agenda for April 13, 2006; Information regarding a seminar on April 25, 2006.

Laurel Chamber of Commerce: "Big Box" Seminar Informational Meeting minutes of March 30, 2006.

PUBLIC HEARING: None.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of March 2006.**
- **Clerk/Treasurer Quarterly Report for quarter ending March 31, 2006.**
- **Approval of Payroll Register for PPE 04/09/2006 totaling \$130,024.35.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of March 21, 2006 were presented.

--Tree Board minutes of March 23, 2006.

--Cemetery Commission minutes of March 30, 2006.

--City-County Planning Board minutes of April 6, 2006 were presented.

--Council Workshop minutes of April 11, 2006 were presented.

The mayor asked if there was any separation of consent items. There was none.

Motion by Alderman Mace to approve the consent items as presented, seconded by Alderman Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

CEREMONIAL CALENDAR:

- Proclamation – Municipal Clerks Week, April 30 through May 6, 2006

Mayor Olson read a proclamation recognizing the week of April 30 through May 6, 2006 as Municipal Clerks Week and extending appreciation to Mary Embleton for her service as Municipal Clerk for the City of Laurel.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments:** None
- **Resolution No. R06-27:** A resolution to approve a contract with Interstate Engineering for services for the Laurel Cemetery.

Motion by Alderman Fritzler to approve Resolution No. R06-27, seconded by Alderwoman Hart. There was no public comment.

Alderman Fritzler stated that staff discovered today that the pricing for the services could be decreased and negotiated with Interstate Engineering for a reduction in the proposed price.

Motion by Alderman Fritzler to amend the motion to change the price from \$24,610 to \$23,710 and to eliminate the reference to the March 14, 2006 letter, seconded by Alderman Mace.

There was no further council discussion. A vote was taken on the motion to amend the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

A vote was taken on the motion to approve Resolution No. R06-27. All seven aldermen/women present voted aye. Motion carried 7-0.

- **Resolution No. R06-40:** Resolution authorizing the Mayor to execute the requisite agreements with Beartooth Harley-Davidson/Buell for the use of three motorcycles by the City of Laurel Police Department.

Motion by Alderman Dickerson to approve Resolution No. R06-40, seconded by Alderman Stamper. There was no public comment or council discussion. A vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

- **Resolution No. R06-41:** A resolution adopting policies governing the public's use of the city council chambers for limited purposes.

Motion by Alderwoman Johnson to approve Resolution No. R06-41, seconded by Alderwoman Hart. There was no public comment.

Alderwoman Johnson stated that the policy requires a staff member to be paid overtime to be there when a group uses the council chambers.

Perry stated that the group using the room has to pay.

Alderwoman Johnson stated that this sounded prohibitive to her and it should be reviewed. It used to be informal, and if someone wanted to use the room, they would contact somebody who had a key and would unlock and lock the door. It is important to remember that this is a public building and it sounds prohibitive to her that an employee has to be paid overtime to be there, according to the wording of the policy.

Alderman Dickerson stated that it should be a privilege for groups to use the council chambers and people should pay the price to use it. We cannot expect the staff not to be compensated for work.

Alderwoman Hart stated that, for many organizations, a council member or someone on the committee would open and close the council chambers and not accept any compensation. A group would have to hire an employee if no one else was going to be at the meeting to do it.

Alderwoman Johnson asked if it is worded if someone is not already authorized to do so, and Perry stated that was the intent.

A vote was taken on the motion to approve Resolution No. R06-41. All seven aldermen/women present voted aye. Motion carried 7-0.

- **Emergency Ordinance No. O06-03:** Emergency ordinance in accordance with MCA § 7-5-104 and § 7-5-108, to modify Emergency Ordinance No. O06-02, to correct errors and omissions in the previously adopted Schedule of Fees and Charges as immediately effective and enforceable by the City of Laurel.

Motion by Alderwoman Hart to adopt Emergency Ordinance No. O06-03, seconded by Alderman Fritzler. There was no public comment.

Alderwoman Johnson stated her disagreement that it was an emergency, but it is important that the fees be corrected. She questioned when the council would have the opportunity to voice opinions regarding the fees. It was her understanding that would happen with Ordinance No. O06-04, but it looks like legal jargon and there is no discussion for fees. The ordinance gives permission for the council to pass a resolution and change the fees. Ordinance No. O06-04 does not have a listing of the fees, and it fees can be changed “by annual resolution.” She asked if the new schedule of fees is Emergency Ordinance O06-03.

Sam explained that the emergency ordinance that contains the fees will expire on its own. Ordinance No. O06-04 will not be affected and it requires two readings and a public hearing. Ordinance No. O06-04 will modify the city code book. In conjunction with the ordinance, the council needs to pass a resolution outlining all of the city’s fees. At that time, the council can debate the fee schedule and the council has agreed to have a public hearing on that resolution at the end of the ninety days.

A vote was taken on the motion to adopt Emergency Ordinance No. O06-03. All seven aldermen/women present voted aye. Motion carried 7-0.

- **Ordinance No. O06-04:** Ordinance amending the Laurel Municipal Code to provide the City Council the authority to establish and adopt the City’s fees and charges for services it provides by annual resolution.

Motion by Alderman Mace to adopt Ordinance No. O06-04, seconded by Alderman Stamper.

Larry Tanglen, *Laurel Outlook*, stated that he reviewed the ordinance and the minutes from the April 11th council workshop today. He noted that the minutes mentioned there would be a public hearing prior to the annual resolutions, but the ordinance did not specifically mention the requirement for a public hearing. He understands the intentions of the council and does question whether or not they will conduct a public hearing for the resolutions, but things change over a period of time. He would like to have language included to specify the requirement for a public hearing in conjunction with the resolution each year since resolutions do not specifically require public hearings.

Mayor Olson thanked Larry for bringing that to the council’s attention. Mayor Olson explained that, since this is the first reading of the ordinance, there would be opportunity to add the wording. Staff

will review it and make a recommendation. He agrees that a public hearing should be held for this resolution every year.

Alderman Dickerson stated that he had previously questioned whether or not the resolution would be able to contain the verbiage requiring an annual public hearing and that the verbiage would be included when the resolution is drafted.

Mayor Olson stated that the verbiage in the ordinance should specify that the annual resolution will have a public hearing. The structure of an ordinance allows the council to have a first reading, a public hearing, and the second reading. During that process, the council has the ability to amend the ordinance. He asked the council to consider allowing time for the legal staff to review it and find the proper way to include the requirement.

At this point, Mayor Olson asked Mary if she had any comments. She stated that she was going to offer a possible solution, but it could wait if the mayor preferred to wait, and the mayor agreed.

A vote was taken on the motion to adopt Ordinance No. O06-04 (first reading). All seven aldermen/women present voted aye. Motion carried 7-0.

- **Application for conditional use permit** for St. John's Lutheran Home project in Iron Horse Station Subdivision. Set public hearing for May 16, 2006.

Motion by Alderman Stamper to set the public hearing on May 16, 2006 for the conditional use permit for the St. John's Lutheran Home project in Iron Horse Station Subdivision, seconded by Alderman Mace. There was no public comment or council discussion. A vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Alderman Mace requested that staff coordinate an opportunity for the council to observe the East First Street project, especially regarding how it affects the storm drain issue. There was discussion regarding possible dates, but no decision was made. The council will be notified when a date has been set.

Alderman Dickerson requested that Mary Embleton explain her suggestion for a solution in the ordinance. Mary stated that by inserting the word "annually", the ordinance would read "adopted by resolution *annually*".

Alderman Stamper stated appreciation for the public works director's quick response regarding the parking lot at the soccer field on Fir Avenue. He was informed that plans were made prior to his time on the council. The spring soccer league will continue for several weeks, and teams from around Montana come to Laurel to play soccer.

Mayor Olson mentioned that it is nice to see the facility being used and enjoyed.

Perry encouraged the council to call the public works secretary at any time regarding a question or suggestion. As with any citizen that calls in, a work order is written, the appropriate person assesses the request, and a response is given. The public works department is really good about this. Perry would also pass any concerns on to the public works secretary to write up a work order.

Alderman Dickerson mentioned that the public works director checked out the parking by Murray Park recently. After measuring, it was determined that signage and/or marking for diagonal parking at Murray Park would not be in the city's best interest since it did not fit the standards.

Alderwoman Johnson attended the Yellowstone Historic Preservation Board meeting today. There are five new board members, and she is excited to be part of the board. Yellowstone Historic Preservation Board is working with Big Sky Economic Development Authority to offer a property tax incentive to anyone doing historic preservation on a building. If a building is restored, the increase in value from historic preservation would not be taxed for a period of five years. This is a

future possibility to give an incentive to individuals restoring a building according to certain guidelines without having to pay the tax increase right away.

The Yellowstone Historic Preservation Board is funded by grant monies and through the City of Billings budget. The Historic Preservation Board is mostly active in Billings, and they are considering allowing Laurel and Yellowstone County to pay a part of the percentage. Since Laurel is only five percent of Yellowstone County's population, she informed them that Laurel should not be obligated to pay more than that. Five percent of the \$6,500 budget would be \$325, and the new chairman said the board would have to justify that amount in Laurel.

Alderman Johnson stated that three first grade classes from Graff School will present a poem at the Arbor Day celebration. Rocky Smith will clean and repaint the golden shovels and the Junior Honor Society might bring the purple and gold shovels.

Alderman Easton mentioned that the public works department has been removing and replacing the dead trees in Veterans Park. A new thirty-foot fiberglass flagpole has been installed. A minister is preparing a eulogy for the troops and a story for the Arbor Day celebration. The Daughters of the American Revolution, the VFW, the American Legion, and the school children will participate. The program will be similar to a presentation made in 1944. Alderman Easton found an article in the *Outlook* from 1944, and the program will be similar to that presentation. Current Tree Board members Pat Hart and Lois Markegard belonged to the original Garden Club sixty years ago, so this is an honor to them, too.

Mayor Olson thanked the council for establishing the Tree Board.

Alderman Fritzler asked that the Cemetery Commission meeting on Friday, April 28th, at 8:30 a.m. in the council chambers be added to the Dates to Remember on the agenda.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Alderman Easton to adjourn the council meeting, seconded by Alderman Fritzler. There was no public comment or council discussion. A vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:16 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 2nd day of May, 2006.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer